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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF AMERICA 18-CR-6094(G)  
  
vs.  
CARLOS JAVIER FIGUEROA, Rochester, New York  
Defendant. May 25, 2021  
10:48 a.m.  
- - - - -X

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE FRANK P. GERACI, JR.  
UNITED STATES DISTRICT CHIEF JUDGE

JAMES P. KENNEDY, JR., ESQ.  
United States Attorney  
BY: ROBERT A. MARANGOLA, ESQ.  
CASSIE M. KOCHER, ESQ.  
Assistant United States Attorneys  
500 Federal Building  
Rochester, New York 14614  
Appearing on behalf of the United States  
  
PAUL J. VACCA, JR., ESQ.  
One East Main Street, Suite 1000  
Rochester, New York 14614  
Appearing on behalf of the Defendant

ALSO PRESENT: Gabriela Loncar, Spanish Interpreter  
Barbara Considine, Spanish Interpreter

COURT REPORTER: Christi A. Macri, FAPR-RMR-CRR-CSR(NY/CA)  
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I N D E X

WITNESS FOR THE GOVERNMENT

Myron Moses

Direct examination by Ms. Kocher

Page 3

P R O C E E D I N G S

\* \* \*

(WHEREUPON, the defendant is present; the jury is present).

GOVERNMENT'S WITNESS, MYRON MOSES, SWORN.

DIRECT EXAMINATION

**THE CLERK:** Please state your name and spell your last name for the record.

**THE WITNESS:** Myron Moses, M-O-S-E-S.

**THE REPORTER:** Thank you.

**THE CLERK:** Have a seat up here.

**THE COURT:** Investigator, you may remove your mask since you're behind plexiglas. Thank you.

You may proceed.

**MS. KOCHER:** Thank you.

**BY MS. KOCHER:**

Q. Good morning.

A. Good morning.

Q. Could you please introduce yourself to the jury?

A. Investigator Myron Moses, M-Y-R-O-N, M-O-S-E-S.

Q. And, Investigator, where do you work?

A. For the City of Rochester, Rochester Police Department.

Q. How long have you been an investigator with the Rochester Police Department?

A. Over ten years.

1 Q. Okay. And how long have you been with the police  
2 department in total?

3 A. Over 30 years.

4 Q. What was your job title before becoming an investigator?

5 A. I was assigned to the Special Investigation Section as a  
6 police officer.

7 Q. All right. And what is the Special Investigation Section?

8 A. It's a Narcotics Unit within the City of Rochester.

9 Q. Before joining the Special Investigation Section where did  
10 you work with the Rochester Police Department?

11 A. I worked the street in Highland Section.

12 Q. How long have you been with the Special Investigation  
13 Section?

14 A. Over 25 years.

15 Q. Now, are you assigned to any specialized units at this  
16 time?

17 A. I'm currently assigned to the Special Investigation  
18 Section Violent Crime Team as a task force officer.

19 Q. And is that a task force officer with the Bureau of  
20 Alcohol Tobacco and Explosives?

21 A. Yes, it is.

22 Q. How long have you been a task force officer with that  
23 unit?

24 A. Over 20 years.

25 Q. What are some of the crimes that you investigate as a task

1 force officer with the Bureau of Alcohol Tobacco and Firearms?

2 A. We investigate narcotics, weapons trafficking, and violent  
3 crimes.

4 Q. What are some of the things you do to investigate those  
5 crimes?

6 A. We do Title III investigations, street level and  
7 upper-level drug dealing, and weapons trafficking.

8 Q. Okay. Now, you mentioned Title III investigations. What  
9 is that?

10 A. Wiretap.

11 Q. Can you explain some of your training to become a police  
12 investigator?

13 A. I've attended training at seminars sponsored through the  
14 Rochester Police Department, the Monroe County Sheriff's  
15 Office, New York State Police, the Drug Enforcement  
16 Administration, the United States military, and the New York  
17 State Police.

18 Q. Okay. And did some of that training include training on  
19 drug recognition?

20 A. Yes, it has.

21 Q. Now, in your job do you also work with confidential  
22 informants?

23 A. Yes, I do.

24 Q. Have you also had the chance to interview people that are  
25 arrested and charged with drug crimes?

1 A. Yes, I have.

2 Q. Now, based on your training and experience are you  
3 familiar with some of the common characteristics of cocaine?

4 A. Yes, I am.

5 Q. What are those characteristics?

6 A. They're kind of a white powdery substance, sometimes it  
7 has a odor to it.

8 Q. I'm sorry, has a what to it?

9 A. Odor.

10 Q. Okay. And during your several years as a police  
11 investigator, have you had the chance to see cocaine in  
12 person?

13 A. Yes, I have.

14 Q. About how many times?

15 A. Over a thousand times.

16 Q. Now, I'd like to direct your attention to January 29th of  
17 2018. Were you working as an investigator with the Rochester  
18 Police Department on that day?

19 A. Yes, I was.

20 Q. And were you assigned as a task force officer at that time  
21 as well?

22 A. Yes, I was.

23 Q. What was your assignment on January 29?

24 A. I was the evidence technician for 292 Barrington Street.

25 Q. Where is 292 Barrington Street?

1 A. Located in the City of Rochester, County of Monroe.

2 Q. And were you executing a search warrant at that location?

3 A. Yes, we were.

4 Q. Investigator, I'd like you to take a look at Exhibit 70  
5 that's already been received into evidence. Do you recognize  
6 the location depicted in Government's Exhibit 70? You can  
7 look on your monitor there.

8 A. Oh.

9 Q. Do you recognize that?

10 A. Yes, I do.

11 Q. What is that location?

12 A. That is the front of 292 Barrington Street.

13 Q. Can you describe the building here that we're looking at?

14 A. It is a multiple family dwelling, side-by-side, with the  
15 door for 292 is on the left, the red door on the left.

16 Q. Could you circle the door for 292? Okay, and you've  
17 circled -- there appear to be two front doors on the house --  
18 you've circled the one to the left?

19 A. That is correct.

20 Q. Okay. If you could hit the clear button in the upper right  
21 corner? That will erase your circle mark. Thank you.

22 Now, when you went to execute the search warrant  
23 that day, did you go into the other half of the house at all?

24 A. No, we did not.

25 Q. Now, in addition to executing a search warrant at 292

1 Barrington Street, was there also a vehicle that you assisted  
2 in executing a search warrant on?

3 A. Yes, there was.

4 Q. And what car was that?

5 A. Dark colored Nissan Altima.

6 Q. I'd like to show you what's also already been received  
7 into evidence as Government's Exhibit 634. Do you recognize  
8 the vehicle in this photograph?

9 A. Yes, I do.

10 Q. What car is that?

11 A. That is the Nissan Altima that the search warrant was  
12 executed on also.

13 Q. And that was also done on January 29th, 2018?

14 A. Yes, it was.

15 Q. Now, were there other officers assisting you with the  
16 search warrants that day?

17 A. Yes, there was.

18 Q. What was your role?

19 A. I was the evidence technician.

20 Q. What does that mean?

21 A. I collect the evidence located in the -- at the location.

22 Q. Are you also tasked with taking photographs of the scene?

23 A. Yes, I am.

24 Q. And what were you wearing when you executed the search  
25 warrant that day?



1 A. Black BDUs with the bright yellow Police stamped across  
2 the shirt and our vest.

3 Q. Okay. You said black BDU?

4 A. BDUs -- black pants, black long sleeve shirt, and a mask.

5 Q. Why were you wearing a mask?

6 A. To cover up my identity.

7 Q. Why are you concerned about that?

8 A. Because I continue to do undercover work within the City  
9 of Rochester, County of Monroe.

10 Q. Okay. Working in an undercover capacity is also part of  
11 your job?

12 A. Yes, it is.

13 Q. Okay. About what time did you arrive at 292 Barrington  
14 Street that day?

15 A. 11:32 a.m.

16 Q. And what happened when you got to the location?

17 A. As we executed the search warrant, I directed the officers  
18 to go to the vehicle and take custody of the female that was  
19 in the vehicle, then we went inside the location.

20 Q. Now, when you say the vehicle, is that the vehicle that  
21 was depicted in Government's Exhibit 634?

22 A. Yes.

23 Q. And where was that car when you arrived at the scene?

24 A. In the driveway.

25 Q. As you approached the house you were able to see there was

1 someone inside?

2 A. Correct.

3 Q. And where was that person located in the car?

4 A. Driver's side.

5 Q. Who was the person that was in the driver's seat of the  
6 vehicle?

7 A. I may pronounce the name wrong, but Leitscha Poncedeleon.

8 Q. Investigator, I'd ask you to take a look at what's been  
9 received into evidence as Government's Exhibit 26. Do you see  
10 Ms. Poncedeleon on this exhibit?

11 A. Yes, I do.

12 Q. If you can please circle her photograph? All right, so  
13 you've circled the female in the second row, the photograph on  
14 the left side?

15 A. That is correct.

16 Q. Okay, thank you. If you could clear your mark? Was  
17 Ms. Poncedeleon taken into custody?

18 A. Yes, she was.

19 Q. Now, once she was secured did you make entry into the  
20 home?

21 A. Yes, we did.

22 Q. How did you get inside?

23 A. Special Agent Fudella, F-U-D-E-L-L-A, once he used a ram  
24 tool to make entry into the front door, we proceeded to clear  
25 the location.

1 Q. I'd like to show you what's been received into evidence as  
2 Government's Exhibit 565. What is this a photograph of?

3 A. The front entrance of 292 Barrington Street.

4 Q. And is that the door that you used to enter the home that  
5 day?

6 A. Yes, it is.

7 Q. Could you please circle which door it was that you  
8 entered? Okay, so you've made a circle. Again it appears  
9 there are two front doors, and in this photograph you've  
10 circled the door to the left, correct?

11 A. Correct.

12 Q. And that would be the door right to the right of the  
13 numbers 292?

14 A. That is correct.

15 Q. Okay. If you could clear your marks, please? Now, once  
16 you were able to make entry was there anyone inside the house?

17 A. Yes.

18 Q. Who was that?

19 A. Roberto Figueroa.

20 Q. I'd like to show you Government's Exhibit 26 again. Do  
21 you see Roberto Figueroa on this exhibit?

22 A. Yes, I do.

23 Q. And could you please circle his photograph? So you've  
24 circled the male in the second row that is the photograph to  
25 the right?

1 A. That is correct.

2 Q. Okay. If you could clear your mark, please? Where was  
3 Roberto Figueroa when you made entry into the home?

4 A. Exiting the downstairs bathroom.

5 Q. And what did you do upon entering the home?

6 A. After we cleared the location we -- I then took  
7 photographs of the location prior to searching it.

8 Q. Okay. After you took the before photographs was the  
9 location searched?

10 A. No, it was not.

11 Q. Was the location searched at any point?

12 A. After taking the photographs.

13 Q. Okay. So you took your before photographs?

14 A. That is correct.

15 Q. And then the location was searched?

16 A. Yes, it was.

17 Q. What were some of the items that you seized from the  
18 location that day?

19 A. Seized a large amount of cocaine; weapons; ammunition;  
20 drug paraphernalia, which consisted of beakers, strainers,  
21 baggies, cut; telephones; and paperwork; and a large amount of  
22 U.S. currency.

23 Q. Okay. Now, did you also take photographs of the items  
24 that you collected that day?

25 A. Yes, I did.

1 Q. Okay. Investigator, I'd ask you to take a look at that  
2 binder, it should be open to Exhibit 566. If you can look at  
3 Exhibit 566 through and including 629 and let me know when  
4 you're done.

5 **MS. KOCHER:** Your Honor, I do believe Exhibit 592,  
6 593, 594, 601, 602, 605, 606, 610, 612, and 614 are already in  
7 evidence.

8 **THE COURT:** Yes, that's what I have.

9 **THE WITNESS:** What number did you tell me to stop  
10 at?

11 **BY MS. KOCHER:**

12 Q. 629.

13 A. Thank you. Okay.

14 Q. If you could pull the binder cover down? You're hiding on  
15 me.

16 A. Oh, sorry.

17 Q. Thank you. All right, can you generally describe what's  
18 depicted in those photographs that you looked at, 566 through  
19 and including 629?

20 A. Photographs of the location and evidence contained  
21 therein.

22 Q. Do those photographs fairly and accurately depict the home  
23 at 292 Barrington Street and the items that you recovered from  
24 the location?

25 A. Yes, it does.

1           **MS. KOCHER:** Your Honor, at this time I would offer  
2 those exhibits, 566 through and including 629, which have not  
3 been received. Again, I can list those that have already been  
4 received -- again that would be 592, 593, 594, 601, 602, 605,  
5 606, 610, 612, and 614 have already been received.

6           **MR. VACCA:** Your Honor, if I could just have a  
7 moment more to go through them?

8           **THE COURT:** Sure, absolutely.

9           **MR. VACCA:** Your Honor, I would object to 617. I do  
10 not believe that is in evidence yet.

11           **THE COURT:** None of these are in evidence yet.

12           **MR. VACCA:** There's some in this sequence here.

13           **THE COURT:** I'm not understanding you. What's your  
14 objection?

15           **MR. VACCA:** On relevancy.

16           **THE COURT:** Okay.

17           **MR. VACCA:** Same for 618, Your Honor. 619. 628.  
18 I would object to those items being admitted into evidence,  
19 Your Honor. The other ones I have no opposition.

20           **THE COURT:** Okay, again tell me ones you just  
21 objected to.

22           **MR. VACCA:** 618, 619, 627 and 628.

23           **THE COURT:** Okay, thank you. The objection as to 618  
24 , 619, 627 and 628 objection is overruled.

25           Exhibits 566 through and including 591 will be

1 received.

2 Exhibits 595 through and including 600 will be  
3 received.

4 Exhibit 603 through and including 609 will be  
5 received.

6 Exhibit 611 will be received.

7 Exhibit 613 will be received.

8 And Exhibits 615 through and including 629 will be  
9 received.

10 **MS. KOCHER:** And, Judge, I apologize, there's  
11 actually not a photo marked 620. That number was skipped.

12 **THE COURT:** There's no 620. Okay, thank you.

13 **MS. KOCHER:** Thank you.

14 (**WHEREUPON**, Government's Exhibits 566-591, 595-600,  
15 603-609, 611, 613, 615-629 were received into evidence).

16 **BY MS. KOCHER:**

17 Q. All right. Now, Investigator, I'd like to have you take a  
18 look at Exhibit 566 that's been received into evidence. Can  
19 you describe what we're looking at here?

20 A. That is the front door opened with the front closet in  
21 front of you, the front entrance of 292 Barrington Street.

22 Q. Okay. So there's two doors here. The red door to the  
23 right of the photograph, what door is that?

24 A. That's the entrance door, the front door of 292 Barrington  
25 Street.

1 Q. And the door in the middle of the photo, it's like a wood  
2 brown door, what door is that?

3 A. That is the downstairs closet.

4 Q. Can you generally describe the layout of this home?

5 A. Once you enter the door, right to your left is the living  
6 room; as you go through the living room you're in the kitchen  
7 area; off the kitchen there's a downstairs bathroom; then  
8 another smaller like sitting room; and then off that room is  
9 the attached garage; also off the kitchen is going downstairs  
10 to the basement area; and then upstairs there's two bedrooms.

11 Q. Okay. We'll move on to Exhibit 567. What is this a  
12 photograph of?

13 A. The downstairs living room.

14 Q. Okay.

15 A. With Roberto Figueroa in the picture.

16 Q. And where is Roberto Figueroa?

17 A. Do you want me to circle him?

18 Q. Sure. You've circled the male in the white tank top and  
19 the red shorts on the right side of the screen?

20 A. That is correct.

21 Q. If you could hit the clear button, please? If we could  
22 move on to Exhibit 568? Is this a close-up image of Roberto  
23 Figueroa in that same chair?

24 A. Yes, it is.

25 Q. Okay. Moving on to Exhibit 569, what is this photograph?



1 A. That is the kitchen area.

2 Q. Okay. So the living room would be right behind you?

3 A. That is correct.

4 Q. Now, there appears to be a door on the left side of this  
5 photograph; is that correct?

6 A. Yes, it is.

7 Q. What room does that door go to?

8 A. That's the little sitting room.

9 Q. Okay. Move on to 570. What is this a photograph of?

10 A. Another angle of the kitchen and the door to the bathroom.

11 Q. Okay. Where is the door to the bathroom? You've made a  
12 circle on the right side of the screen and you've actually  
13 circled one of those red flip flops?

14 A. That is correct.

15 Q. If you could clear your mark, please? Moving on to  
16 Exhibit 571, what is this room?

17 A. Sitting room and then the entrance to the garage.

18 Q. So this is a sitting room off of the kitchen?

19 A. That is correct.

20 Q. And how would you get into the garage from here?

21 A. The door right here.

22 Q. And you've circled the open door in the middle of the  
23 photo?

24 A. That is correct.

25 Q. Okay. If you could please clear your mark? Exhibit 572,

1 what is this a photo of?

2 A. The garage.

3 Q. Okay. There appears to be a box on the floor underneath  
4 the window of the garage?

5 A. That is correct.

6 Q. What type of box is that?

7 A. A UPS Postal box.

8 Q. Okay. We'll come back to that. Can we go to 573? What is  
9 this a photograph of?

10 A. That is a photograph of the downstairs bathroom with a  
11 cell phone inside the sink.

12 Q. Is that the bathroom that Roberto Figueroa was exiting as  
13 you and your team entered the home?

14 A. That is correct.

15 Q. Move on to Exhibit 574, what is this a photograph of?

16 A. The basement area.

17 Q. Okay. Do there appear to be some boxes in the middle of  
18 that photograph just to the left of a small child's slide?

19 A. Yes, it does.

20 Q. And what type of boxes are those?

21 A. United States Postal boxes.

22 Q. If we could move on to Exhibit 575, is this another  
23 photograph of the basement?

24 A. Yes, it is.

25 Q. Just a different area of the basement?

1 A. That is correct.

2 Q. And does this also appear to depict a Postal box?

3 A. Yes, it does.

4 Q. Okay. If we can move on to Exhibit 576, what is this a  
5 photograph of?

6 A. This is a photograph of the upstairs bedroom, bedroom  
7 number one, east side bedroom, which was identified as  
8 Leitscha Poncedeleon's bedroom.

9 Q. Okay. And Exhibit 577, is this a photograph of the second  
10 bedroom upstairs?

11 A. Yes, it is.

12 Q. Okay. And were you able to determine whose bedroom this  
13 was?

14 A. Roberto Figueroa.

15 Q. Moving on to Exhibit 578, what is this a photograph of?

16 A. Another angle of the upstairs bedroom, second bedroom,  
17 Roberto Figueroa's bedroom and the closet.

18 Q. If we can move on to Exhibit 579, what is this a  
19 photograph of?

20 A. Inside the closet of Roberto Figueroa's bedroom where  
21 there was a little crawl space.

22 Q. That area was also searched by you and the team?

23 A. Yes, it was.

24 Q. Okay. Now were those the before photos you took when you  
25 entered the home?

1 A. Yes.

2 Q. By before photos I mean photos taken before the search was  
3 executed?

4 A. That is correct.

5 Q. Now, you mentioned earlier that upon searching the home  
6 you recovered several items that included cocaine, firearms,  
7 paperwork, drug paraphernalia and cell phones?

8 A. Yes, ma'am.

9 Q. How do you go about collecting those items as evidence?

10 A. They're placed inside a evidence bag and a CR number is  
11 put on the bag.

12 Q. And is a CR number a unique identifying number for this  
13 particular search warrant?

14 A. Yes, it is.

15 Q. And do you recall if the CR number was 2018-022623?

16 A. Yes, it was.

17 Q. That was the crime report number?

18 A. Yes, it was.

19 Q. Or CR number? Now, once you've collected the items of  
20 evidence what do you do with them?

21 A. After they're collected they're turned into the Property  
22 Clerk's Office.

23 Q. Okay. And generally would those items be submitted to the  
24 Property Clerk's Office in a sealed condition?

25 A. Yes.

1 Q. Are there ever times where something is submitted to the  
2 Property Clerk's Office and it's not sealed in a bag?

3 A. Yes.

4 Q. When would that happen?

5 A. When the item is too big for a bag.

6 Q. Okay. Now, is the Property Clerk's Office a secure  
7 facility?

8 A. Yes, it is.

9 Q. Okay. I'd like to go back to Exhibit 567, the photograph  
10 of the living room. Did you recover any items of evidence  
11 from the living room?

12 A. Yes, I did.

13 Q. What was that?

14 A. A phone sitting on the living room table.

15 Q. And do you see that phone in this photo?

16 A. Yes, I do.

17 Q. Could you please circle it? So you've circled a dark  
18 object on the right side of the table?

19 A. Yes, I did.

20 Q. If you could clear your mark, please? Investigator, what  
21 type of phone was that?

22 A. A flip phone.

23 Q. Now, I'd ask you to take a look at the box on the ground  
24 to your left. That first item in the box should be marked  
25 Exhibit 674.

1 A. You said 674?

2 Q. Yes.

3 A. Yes.

4 Q. You have that item?

5 A. Yes, I do.

6 Q. And do you recognize what Exhibit 674 is?

7 A. Yes, I do.

8 Q. What is it?

9 A. It's the LG cellular flip phone that was located on the  
10 living room table at 292 Barrington Street.

11 Q. Okay. And, Investigator, if you could watch that mic  
12 behind you, I think your shoulder is hitting it. Thank you.  
13 So that's the flip phone that you recovered from the living  
14 room table?

15 A. Yes, it is.

16 Q. How do you know that's the phone you recovered from the  
17 living room table?

18 A. It's marked in an evidence bag with my signature on it --  
19 with my initials on it over the bag.

20 Q. Okay. And does it have the CR number for this case on the  
21 bag?

22 A. Yes, it does.

23 Q. Okay. Does the bag appear to be in the same or  
24 substantially the same condition as it was in when you  
25 collected it on January 29th, 2018?

1 A. Yes, it does, other than the initials of Scottie Ferro.

2 Q. Who is Scott Ferro?

3 A. He's the -- our cellular phone technician.

4 Q. Does your seal appear to be intact?

5 A. Yes, it does.

6 Q. Did you tamper with the phone in any way while it was in  
7 your possession?

8 A. No, I did not.

9 Q. And you sealed that bag and submitted it to the Property  
10 Clerk's Office?

11 A. Yes, I did.

12 Q. Other than the initials placed on the bag by Scott Ferro,  
13 do you notice anything different?

14 A. Just has the Government Exhibit on it.

15 Q. The exhibit sticker?

16 A. Yes.

17 Q. Does the phone itself appear to be in the same condition?

18 A. Yes, it does.

19 Q. Okay. Now, I'd like to have you take a look at  
20 Exhibit 591, which is a photograph.

21 A. Oh.

22 Q. Do you recognize what's depicted in this photograph?

23 A. Yes, I do.

24 Q. What is it?

25 A. That is a cellular phone and the ID of Leitscha

1 Poncedeleon.

2 Q. And does that appear to be on a shelf or a bookshelf type  
3 thing?

4 A. Yes, it does.

5 Q. Was that also in the living room?

6 A. Yes, it was.

7 Q. Did you collect that cell phone?

8 A. Yes, I did.

9 Q. How did the cell phone get to that bookcase?

10 A. It was placed there by Investigator Briganti.

11 Q. Okay. I'd ask you to take a look at Exhibit 672, which  
12 should be the next item in the box. And it's already been  
13 received into evidence. Do you have that item 672?

14 A. Yes, I do.

15 Q. Is that the cell phone depicted in Exhibit 591 that was  
16 placed there by Investigator Briganti and you later collected?

17 A. Yes, it does.

18 **MS. KOCHER:** Your Honor, may I place an exhibit on  
19 the visualizer?

20 **THE COURT:** Yes.

21 **MS. KOCHER:** Thank you.

22 **BY MS. KOCHER:**

23 Q. Investigator, I've placed into evidence what's been  
24 received into evidence as Exhibit 10, a cell phone chart. Do  
25 you see the column at the top that says exhibit number?



1 A. Yes, I do.

2 Q. And do you see anywhere where Exhibit 672 is marked on  
3 this exhibit?

4 A. Yes, I do.

5 Q. Where is that?

6 A. Fourth column down.

7 Q. Okay. And what is the phone number and user associated  
8 with Exhibit 672?

9 A. Phone number 685-4661 to Leitscha Poncedeleon.

10 Q. Okay. Now, if we could flip back to the Trial Director?  
11 I'll have you take a look at Exhibit 570. Now, this was the  
12 kitchen of the home?

13 A. Yes, it is.

14 Q. Did you recover any items of evidence from the kitchen  
15 area?

16 A. We recovered paperwork and there was drug paraphernalia  
17 which consisted of beakers, strainer, and a couple scales, and  
18 rubber bands and baggies.

19 Q. Okay. I'd like you to take a look at Exhibit 583. What  
20 are we looking at here in this photograph?

21 A. That is a lower cabinet area in the kitchen which  
22 contained the baggies and the vacuum sealer.

23 Q. Okay. You said it's a lower cabinet. Is this the same  
24 cabinet we were just looking at in Exhibit 570?

25 A. Yes, it is.

1 Q. Okay. Now, you mentioned there were baggies in this photo?

2 A. That is correct.

3 Q. What type of baggies?

4 A. Larger ziplock baggies and vacuum seal bags.

5 Q. Where are those? So you've placed three circles on the  
6 exhibit. The first two are on the top shelf of that lower  
7 cabinet?

8 A. That is correct.

9 Q. And are those the baggies that were stored in the cabinet?

10 A. That is correct.

11 Q. The third item that you circled is in the lower center  
12 portion of the photograph. It appears to be inside of a box?

13 A. That is correct.

14 Q. What was that item?

15 A. Vacuum sealer.

16 Q. Okay. What is a vacuum sealer?

17 A. It takes the air out of -- when you put on the vacuum bag,  
18 it takes the air out to seal the bag.

19 Q. Okay. And why did you photograph that item?

20 A. That item is used in the drug trade.

21 Q. How so?

22 A. They use the vacuum sealer to seal up narcotics and money.

23 Q. Move on to Exhibit 584. If you could clear your marks  
24 please? Is this a photograph of that same kitchen cabinet?

25 A. Yes, on the other side.

1 Q. On the right side of the cabinet?

2 A. Correct.

3 Q. What were some of the items that you photographed here?

4 A. Beakers and a strainer.

5 Q. Could you please circle those items? All right, so you've  
6 circled three items in the bottom half of the photograph that  
7 are actually on the floor; is that correct?

8 A. That is correct.

9 Q. And why did you photograph those items?

10 A. Those are used in the processing of narcotics.

11 Q. If you could please clear your mark? All right, I'd ask  
12 you to take a look at Exhibit 585. What is this a photograph  
13 of?

14 A. A large quantity of baking soda.

15 Q. Why did you take a photograph of the baking soda?

16 A. This is more drug paraphernalia used in the processing of  
17 narcotics.

18 Q. Any narcotic in particular?

19 A. Cocaine.

20 Q. How many boxes of baking soda approximately are there in  
21 this photo?

22 A. 13 boxes and one bag.

23 Q. All right. Now, I'd ask you to take a look at  
24 Exhibit 603. What is this a photograph of?

25 A. A drawer at the desk in the kitchen.

1 Q. Okay. And what was in the drawer?

2 A. Two scales, rubber bands, a calculator.

3 Q. And why did you photograph those items?

4 A. Those items are also used for weighing of narcotics and  
5 for packaging, the rubber bands.

6 Q. Okay. Now, if we could go back to Exhibit 569? Does this  
7 photograph show the desk with the drawer that had the baggies  
8 and the rubber bands in it?

9 A. Yes, it does.

10 Q. And where is that desk?

11 A. In the middle of the picture.

12 Q. You've placed a circle around it?

13 A. Yes, I did.

14 Q. All right, thank you. If you could clear your mark? Next  
15 I'd like to have you take a look at Exhibit 607. What is this  
16 a photograph of?

17 A. Pieces of paperwork that were located on top of the  
18 refrigerator in the kitchen.

19 Q. And Exhibit 623, what is this a photograph of?

20 A. It's a photograph of a grinder and an unknown substance in  
21 a bag.

22 Q. Why did you photograph the grinder?

23 A. It is used in the processing of narcotics.

24 Q. Okay. If we could go to Exhibit 572? This is the garage  
25 of the home?

1 A. Yes, it was.

2 Q. Now, earlier you mentioned that there was a Postal box on  
3 the floor underneath the window there?

4 A. Yes, it is.

5 Q. Could you please circle that item? You've placed a circle  
6 around the open box on the ground underneath the window,  
7 correct?

8 A. That is correct.

9 Q. If you could please clear your mark? Was there any Postal  
10 markings or address location on that box?

11 A. No, there was not. It was ripped off.

12 Q. Okay. If we could go to Exhibit 586, is this a closer-up  
13 image of that same box in the garage?

14 A. Yes, it is.

15 Q. Okay. And you mentioned that the Postal labels appeared to  
16 be ripped off?

17 A. That is correct.

18 Q. Could you please mark where those Postal labels were  
19 ripped off? So you've circled essentially the middle of the  
20 box, you can see there's a -- what used to have been a label  
21 in the middle and then the lower right corner of the box?

22 A. That is correct.

23 Q. If you could clear your mark, please? I'd like to move on  
24 to Exhibit 587. Is this another photograph of that same box?

25 A. Yes, it is.

1 Q. And this also shows the ripped off labels?

2 A. Yes, it does.

3 Q. Okay. If we could go to Exhibit 588? What are we looking  
4 at in this photo?

5 A. We're looking at several boxes, empty boxes of M&M's and a  
6 smaller half kilo press.

7 Q. Where are the M&M boxes? You've placed two circles: One  
8 in the upper right corner and the second along the right side  
9 of the photograph?

10 A. That is correct.

11 Q. And you mentioned a kilo press. Where is that? You've  
12 circled the gray item in the middle of the photograph?

13 A. That is correct.

14 Q. Okay. And what is a kilo press used for?

15 A. It is a machine used to compress, to compress the  
16 narcotics for shipping.

17 Q. We can move on to Exhibit 589. What is this a photograph  
18 of?

19 A. It's a photo of used packaging inside the tote in the  
20 garage.

21 Q. Okay. And you said used packaging. What do you mean by  
22 that?

23 A. After the narcotics are taken from the packaging, the  
24 packaging is thrown into the garbage.

25 Q. What was the packaging material?

1 A. Carbon paper and plastic.

2 Q. Okay. And those items appear to be in this green recycling  
3 bin?

4 A. That is correct.

5 Q. Okay. Now, the last photo that we looked at, Exhibit 589,  
6 was that also taken in the garage?

7 A. Yes, it was.

8 Q. All right. I'd like to go back to Exhibit 573, the first  
9 floor bathroom. You mentioned that there was a cell phone in  
10 the sink?

11 A. Yes, there was.

12 Q. Ask you to take a look at Exhibit 590. What's this a  
13 photograph of?

14 A. A closer picture of the cell phone inside the sink in the  
15 downstairs bathroom.

16 Q. Okay. And I believe you mentioned earlier this was the  
17 same bathroom that Roberto Figueroa was exiting when you  
18 entered the house?

19 A. That is correct.

20 Q. Was the cell phone in the sink collected as evidence?

21 A. Yes, it was.

22 Q. If you wouldn't mind looking in that box on the floor  
23 there for Exhibit 673? You see that?

24 A. Yes, I do.

25 Q. What is Exhibit 673?

1 A. A black Samsung cellular telephone.

2 Q. Okay. Is that the phone that you recovered from the sink  
3 in Exhibit 590?

4 A. Yes, it is.

5 Q. And how do you know that's the same phone?

6 A. It's in the evidence bag and the CR number is on the bag.

7 Q. Okay. Does the phone in the bag appear to be in the same  
8 condition as it was in when you collected it from the  
9 bathroom?

10 A. Yes, it does.

11 Q. Okay. And does it appear to be the same phone that's  
12 depicted in Exhibit 590?

13 A. Yes, it does.

14 Q. Okay. Now, when you collected that you put it in an  
15 evidence bag and sealed it?

16 A. Yes, I did.

17 Q. And submitted it to the property clerk?

18 A. Yes, it was.

19 Q. Do you notice anything different about your bag when you  
20 sealed it up?

21 A. It has Scottie Ferro's initials on it now and our  
22 CR number.

23 Q. Okay. Other than Investigator Ferro's markings, does the  
24 bag appear to be in the same or substantially the same  
25 condition?



1 A. Yes, it does.

2 Q. Does the phone itself also appear to be in the same or  
3 substantially the same condition?

4 A. Yes, it does.

5 Q. Did you also collect evidence from the basement area of  
6 the home which is depicted in Exhibit 574?

7 A. Yes, I did.

8 Q. What were some of the things that you recovered from the  
9 basement?

10 A. In the basement we recovered almost a kilogram of cocaine;  
11 baggies; Postal boxes; and paperwork.

12 Q. Okay. I'd like to have you take a look at Exhibit 592.  
13 What is depicted in this photo?

14 A. That is a Home Depot bucket where a large amount of  
15 cocaine was located.

16 Q. Okay. And was this in the basement of 292 Barrington?

17 A. Yes, it was.

18 Q. Okay. I'd ask you to take a look at Exhibit 593, the next  
19 photo. What is this a photograph of?

20 A. That is a closer picture of the inside of the bucket.

21 Q. Was there anything besides cocaine inside the bucket?

22 A. Empty baggies and another unknown substance down at the  
23 bottom.

24 Q. And it appears that there's some sort of like Tupperware  
25 thing on top of all of that in that photo?

1 A. That's correct.

2 Q. Next I'd like to show you Exhibit 594. What is this a  
3 photograph of?

4 A. The items, closer picture of the items that was inside the  
5 bucket.

6 Q. Okay. Now, you mentioned baggies that were in the bucket.  
7 What type of baggies were those?

8 A. The smaller ziplock baggies with the little ying-yang sign  
9 on them.

10 Q. And are those depicted on the left half of the photograph  
11 here?

12 A. That is correct.

13 Q. You've placed a circle around them, correct?

14 A. That is correct.

15 Q. Okay. And they're in like a Tupperware bowl?

16 A. That is correct.

17 Q. And where is the cocaine and the unknown substance in this  
18 photograph?

19 A. There's cocaine here, here, here, here; and the unknown  
20 substance there under the baggies.

21 Q. So the items that you circled identifying as cocaine you  
22 placed two circles inside the clear Tupperware bowl in the  
23 same container with those ying-yang bags?

24 A. That is correct.

25 Q. And then inside the orange Depot bucket you placed a

1 circle around appears to be a gallon size ziplock bag with a  
2 white substance and then a smaller circle right below that  
3 ziplock bag?

4 A. That is correct.

5 Q. The item you marked as the unknown substance you placed a  
6 circle to the very right inside the bucket but on the right  
7 side of it?

8 A. That is correct.

9 Q. Okay. If you could please clear your marks? Could you  
10 explain how the cocaine was packaged?

11 A. It was --

12 **MR. VACCA:** Objection, Your Honor.

13 **THE COURT:** Overruled. Go ahead.

14 **THE WITNESS:** It was packaged in larger ziplock  
15 baggies and smaller ziplock baggies for sale.

16 **BY MS. KOCHER:**

17 Q. Okay. The smaller baggies, the ones you circled in the  
18 clear Tupperware bowl, how were those ones packaged?

19 A. In quantities of 62 grams.

20 Q. And those appear to be in like a sandwich bag --

21 A. That is correct.

22 Q. -- knotted?

23 A. That is correct.

24 Q. The larger quantity was in the bucket in this photo?

25 A. That is correct.

1 Q. Did you collect the items of evidence from this orange  
2 Home Depot bucket?

3 A. Yes, I did.

4 Q. If you could take a look in the box on the ground there  
5 for Exhibit 648? What is 648?

6 A. This is the unknown substance in the bottom of the bucket.

7 Q. Okay. And how did you go about collecting that unknown  
8 substance?

9 A. After the cocaine was taken out of the bucket we poured  
10 the other substance inside a ziplock baggie, a larger ziplock  
11 bag.

12 Q. Okay. So the unknown substance that is contained in  
13 Exhibit 648, was that just loose in the bottom of the bucket?

14 A. That is correct.

15 Q. Okay. Now, does the substance contained in Exhibit 648  
16 appear to be the same as the substance in Exhibit 594?

17 A. Yes, it does.

18 Q. And does it appear to be in the same or substantially the  
19 same condition when you collected it on January 29th?

20 A. Yes, it does.

21 Q. Okay. Now, how about the evidence bag that it's in? Does  
22 the evidence bag appear to be in the same or substantially the  
23 same condition as it was in?

24 A. Yes, it does.

25 Q. Do you notice anything different about the evidence bag

1 from when you sealed it up and submitted it to the property  
2 clerk?

3 A. It has the Monroe County Lab stickers on it and the  
4 Government Exhibit sticker on it.

5 Q. Okay. Also appear to be any blue tape from the Monroe  
6 County Crime Lab?

7 A. Yes, it does.

8 Q. Other than the blue tape, the yellow lab sticker and the  
9 Government Exhibit sticker, does the packaging appear to be in  
10 the same or substantially the same condition?

11 A. Yes, it does.

12 Q. And is your seal still intact?

13 A. Yes, it is.

14 Q. Now, if you could take a look at Exhibit 650, which should  
15 also be in that box down there. Do you recognize that item?

16 A. Yes, I do.

17 Q. What is it?

18 A. This is the cocaine that was taken out of the Home Depot  
19 bucket.

20 Q. How do you know that's the cocaine you took out of the  
21 Home Depot bucket?

22 A. It's still in the bag with my CR number on it and my  
23 initials on the bag.

24 Q. And does the cocaine in Government's Exhibit 650 appear to  
25 be the same as the cocaine depicted in Exhibit 594?

1 A. Yes, it does.

2 Q. Does it also appear to be in the same or similar condition  
3 as it was in when you collected it on January 29th?

4 A. Yes, it does.

5 Q. How about your packaging? Do you notice anything  
6 different about the exhibit bag that you sealed and placed  
7 into the Property Clerk's Office?

8 A. It has the Monroe County Laboratory seal on it now.

9 Q. The blue tape and the yellow lab sticker?

10 A. That is correct.

11 Q. Other than that do you notice anything different about  
12 Exhibit 650?

13 A. It also has the blue Monroe County Lab sticker on the  
14 bottom, the blue sticker, and the Government Exhibit sticker  
15 on it.

16 Q. Okay. So the blue sticker you just described, is that the  
17 lab tape?

18 A. Yes, it is.

19 Q. Okay. Other than the blue lab tape or the yellow lab  
20 sticker or the exhibit sticker, does it appear to be in the  
21 same or substantially the same condition?

22 A. Yes, it does.

23 Q. And if you can look in that box next to see if you can  
24 find Exhibit 680?

25 A. I'm sorry, what was the number again?

1 Q. 680. Do you have that?

2 A. Yes, I do.

3 Q. What is Exhibit 680?

4 A. These are the empty baggies with the ying-yang sign on  
5 them that was taken out of the bucket.

6 Q. The Home Depot bucket depicted in Exhibit 594?

7 A. Yes, it is.

8 Q. Does that item appear to be in the same or substantially  
9 the same condition as it was in when you collected it on  
10 January 29th?

11 A. Yes, it is.

12 Q. Notice anything different about Exhibit 680?

13 A. Other than the Government Exhibit sticker on it, it's all  
14 the same.

15 Q. Okay.

16 **MS. KOCHER:** Your Honor, I would offer Government's  
17 Exhibit 680.

18 **MR. VACCA:** No objection, Your Honor.

19 **THE COURT:** Exhibit 680 will be received.

20 (**WHEREUPON**, Government's Exhibit 680 was received  
21 into evidence).

22 **MS. KOCHER:** May I approach the witness and place  
23 680 on the visualizer?

24 **THE COURT:** Yes.

25 **MS. KOCHER:** Thank you.

1 **BY MS. KOCHER:**

2 Q. Investigator, I've placed Government's Exhibit 680 on the  
3 visualizer. These are those ying-yang baggies you described  
4 earlier?

5 A. That is correct.

6 Q. Okay. How many ying-yang baggies do you think are in this  
7 exhibit?

8 A. Over 100.

9 Q. Okay. And why did you collect these baggies?

10 A. They match the baggies that we had received before from --  
11 during the wiretap.

12 Q. Are these bags that are commonly used to package  
13 narcotics?

14 A. Yes, they are.

15 Q. If we could go back to 592? This photo you indicated you  
16 collected the contents of the Home Depot bucket?

17 A. That is correct.

18 Q. Did you collect anything else from this photograph?

19 A. Little baggie with the -- it's kind of hard to say the  
20 word, Albuterol --

21 Q. Albuterol?

22 A. Yes.

23 Q. You circled a ziplock -- gallon size ziplock bag to the  
24 left of the Home Depot bucket?

25 A. That is correct.



1 Q. Okay. If you could hit the clear button? I'd like to show  
2 you Exhibit 595. Is this a close-up image of that same bag  
3 that was next to the Home Depot bucket?

4 A. Yes, it is.

5 Q. And next I'll show you 596. Is this another close-up of  
6 that bag containing the Albuterol packages?

7 A. That is correct.

8 Q. Did you recover any packaging materials from the basement  
9 area of the home?

10 A. Yes, we did.

11 Q. I'd like to show you 597. What is depicted in this  
12 photograph?

13 A. More FoodSaver -- sorry, FoodSaver vacuum seal bags.

14 Q. Could you circle where those are in this photo? You've  
15 made a very organic circle around the freezer -- the FoodSaver  
16 bags?

17 A. That is correct.

18 Q. And those are in boxes?

19 A. Yes.

20 Q. About how many boxes of FoodSaver bags are in this  
21 photograph?

22 A. Seven.

23 Q. Okay. If you could hit the clear button, please?

24 **THE COURT:** What's an organic circle, by the way?

25 **MS. KOCHER:** Just not very round, I guess. More

1 like an amoeba circle.

2 **THE COURT:** Never heard of that.

3 **BY MS. KOCHER:**

4 Q. Moving on to Exhibit 598, what is in this photograph?

5 A. A large quantity of alcohol and latex gloves.

6 Q. Okay. And why did you photograph these items?

7 A. These items are used in the processing of narcotics.

8 Q. What about the gloves was significant?

9 A. Gloves are placed on the dealer's hands so the substance  
10 that you're cutting or processing doesn't seep into your  
11 system.

12 Q. I believe you also mentioned that you collected some  
13 paperwork from the basement area?

14 A. Yes, I did.

15 Q. I'd like to show you Exhibit 599. Is this some of that  
16 paperwork that you observed down there?

17 A. Yes, it is.

18 Q. And if we could move on to Exhibit 600? What is depicted  
19 in this photograph?

20 A. Paperwork and cellular phones.

21 Q. Okay. And these items appear to be on a dryer?

22 A. Washing machine.

23 Q. Okay, thank you. Did you collect some of this paperwork  
24 that's on the washing machine?

25 A. Yes, I did.

1 Q. All right. If you could take a look back in that box for  
2 Exhibit 696? Do you have that there?

3 A. Yes, I do.

4 Q. Do you recognize Exhibit 696?

5 A. Yes, I do.

6 Q. What is it?

7 A. This is the paperwork that's depicted in the picture.

8 Q. The picture being Exhibit 600?

9 A. That is correct.

10 Q. Now, does the paperwork in Exhibit 696 appear to be in the  
11 same or substantially the same condition as it was in when you  
12 collected it that day?

13 A. Yes, it does.

14 Q. Now, do you also see some documents in that exhibit you're  
15 holding that are marked 696A, B, C, D, and E?

16 A. Yes, I do.

17 Q. Do those documents appear to be documents you collected  
18 from the area depicted in the photograph Government's Exhibit  
19 600?

20 A. Yes, it does.

21 Q. Do they appear to be in the same or substantially the same  
22 condition as they were in when you collected them that day?

23 A. Yes, they do.

24 **MS. KOCHER:** Your Honor, I'd offer Government's  
25 Exhibit 696, which specifically it includes several documents,

1 but we have also specifically marked 696A, B, C, D and E.

2 **MR. VACCA:** I'd object, Your Honor, on grounds of  
3 relevancy.

4 **THE COURT:** Overruled. Exhibits 696, 696A, 696B,  
5 696C, 696D, 696E will be received.

6 (**WHEREUPON**, Government's Exhibits 696, 696A, 696B,  
7 696C, 696D, and 696E were received into evidence).

8 **MS. KOCHER:** We have uploaded those exhibits into  
9 our Trial Director.

10 **BY MS. KOCHER:**

11 Q. So, Investigator, I'll start with Exhibit 696A. Do you  
12 see this document?

13 A. Yes, I do.

14 Q. And does that appear to be a copy of the same document the  
15 original that you identified just now that's physically marked  
16 696A?

17 A. Yes, it is.

18 Q. Okay. And what is this document?

19 A. This is a County of Monroe State of New York letter from  
20 the Public Defender's Office addressed in regards to Grant  
21 Mickael.

22 Q. And is there an address associated with Grant Mickael?

23 A. Yes, it is.

24 Q. What address is that?

25 A. 229 Rugby Avenue.

1 Q. And that's in Rochester, New York?

2 A. Correct, 14619.

3 Q. Okay. And Mickael that's spelled M-I-C-K-A-E-L?

4 A. Yes, it is.

5 Q. Next I'd like to show you Exhibit 696B. Now, does the  
6 copy on the monitor appear to be the same document that you  
7 previously identified as 696B?

8 A. Yes, it does.

9 Q. And what is this document?

10 A. This is a document from the ESL Federal Credit Union for  
11 Jose R. Olivencia Cruz of 360 St. Paul Street, apartment 1003,  
12 Rochester, New York 14605.

13 Q. Okay. And does this appear to be payment slips?

14 A. Yes, it does.

15 Q. Okay. Let's move on to Exhibit 696C, what is this  
16 document?

17 A. More payment slips for Jose R. Olivencia Cruz of 360  
18 St. Paul Street, apartment 1003, Rochester, New York 14605  
19 from ESL Federal Credit Union.

20 Q. Okay. Next if we could look at 696D? What is -- does this  
21 document appear to be the same as the physical document you  
22 identified earlier?

23 A. Yes, it is.

24 Q. All right. And what is 696D?

25 A. This is a ESL loan payment confirmation for Jose R.

1 Olivencia Cruz with his member number dated 9/7 of '17.

2 Q. This is also from the ESL Federal Credit Union?

3 A. Yes, it is.

4 Q. Next I'd like to have you take a look at Exhibit 696E.

5 Now does this document that's been uploaded into our Trial  
6 Director appear to be the same document that you previously  
7 identified as being marked as Exhibit 696E?

8 A. Yes, it does.

9 Q. And what is this document?

10 A. This is a document from Progressive Insurance for Jean K.  
11 Pizarro of 292 Barrington Street.

12 Q. Okay. And that's Rochester, New York?

13 A. Yes, 14607.

14 Q. And Pizarro is P-I-Z-A-R-R-O?

15 A. Yes, it is.

16 Q. If we could go back to Exhibit 604? I'm sorry, skip ahead  
17 to 604. What are we looking at here?

18 A. That is a tote that contained cell phones and keys that  
19 were located in the basement of 292 Barrington Street.

20 Q. Okay. Now, did you collect any of those cell phones?

21 A. Yes, I did.

22 Q. All right. If you wouldn't mind taking a look in your box  
23 on the ground there for Exhibit 671? I think the sticker  
24 might actually be on the phone itself.

25 A. That is correct.

1 Q. Do you see the phone marked 671?

2 A. Yes, I do.

3 Q. Is that in a bag with some other cell phones?

4 A. Yes, it is.

5 Q. How many phones?

6 A. Another phone and the case.

7 Q. And are those the phones that are depicted in Government's  
8 Exhibit 604?

9 A. Yes, it is.

10 Q. Now, the phone that's marked Exhibit 671, does that appear  
11 to be in the same or substantially the same condition as it  
12 was in when you collected it on January 29th?

13 A. Yes, it does.

14 Q. Anything that you notice different about the phone itself?

15 A. Other than the Government Exhibit 671 stamped to it and  
16 the white sticker on the front.

17 Q. Okay. Okay. Now, when you took custody of that phone did  
18 you tamper with it in any way?

19 A. No, I did not.

20 Q. And was it ultimately sealed up in the bag with the other  
21 phone and the case and turned into the Property Clerk's  
22 Office?

23 A. That is correct.

24 Q. Does your seal appear to be intact?

25 A. Other than it was opened to put the sticker on the phone.

1 Q. Okay. And that was done during trial prep?

2 A. Yes, it was.

3 Q. Okay. Do you notice any other initials on the bag?

4 A. Scottie Ferro's initials.

5 Q. Okay. Investigator Ferro's initials would have been put on  
6 after you turned it into the Property Clerk's Office?

7 A. That is correct.

8 Q. All right. Thank you, Investigator. Next I'd like to  
9 show you Exhibit 605. If you could hit the clear button on  
10 your monitor? Thank you. What are we looking at here in  
11 Exhibit 605?

12 A. A tote that was located in the basement that contained  
13 numerous unused empty ziplock bags.

14 Q. And what type of baggies were those?

15 A. Baggies for packaging of narcotics.

16 Q. Were they big bags? Little bags?

17 A. Different sizes.

18 Q. Okay. Did you notice any markings on the bags that are  
19 contained in the Tupperware container in Exhibit 605?

20 A. They were clear bags, they were bags that had the  
21 ying-yang sign on them and like the little blue numbers on  
22 them and blue -- blue designs on them.

23 Q. Okay. Now, why did you take a photograph of this item?

24 A. It was drug paraphernalia.

25 Q. Did you collect the Tupperware container that's depicted



1 in Exhibit 605?

2 A. Yes, I did.

3 Q. How did you go about collecting that item of evidence?

4 A. Once it was photographed, took it and brought it along  
5 with us.

6 Q. Okay. And do you see the bin to your left marked  
7 Exhibit 679?

8 A. Yes, I do.

9 Q. Does that Tupperware bin appear to be the same bin  
10 depicted in Exhibit 679?

11 A. Yes, it does.

12 Q. Do you notice anything different about the bin or its  
13 contents?

14 A. Other than the property clerk seal on it or sticker on it.

15 Q. Okay. And the Government Exhibit sticker as well?

16 A. That is correct.

17 Q. Okay.

18 A. That is correct. I'm sorry.

19 Q. Why wasn't that Tupperware placed in a sealed bag?

20 A. The items wouldn't be able to fit in a bag.

21 Q. Okay. Too big?

22 A. Yes.

23 Q. Now, the baggies that are contained in Exhibit 679, does  
24 that -- those appear to be the same as when you collected them  
25 on January 29th?

1 A. Yes, they do.

2 MS. KOCHER: Your Honor, I'd offer Exhibit 679 and  
3 its contents.

4 MR. VACCA: No objection, Your Honor.

5 THE COURT: Exhibit 679 will be received.

6 (WHEREUPON, Government's Exhibit 679 was received  
7 into evidence).

8 BY MS. KOCHER:

9 Q. Investigator, you mentioned that there were baggies within  
10 the Tupperware container used for packaging narcotics. How  
11 many baggies do you think were in that Tupperware container?

12 MR. VACCA: Objection, Your Honor.

13 THE COURT: Overruled. He can answer that.

14 THE WITNESS: Over thousands.

15 MS. KOCHER: Your Honor, may I approach the witness  
16 and place some of the baggies on the visualizer?

17 THE COURT: Yes.

18 MS. KOCHER: Thank you.

19 BY MS. KOCHER:

20 Q. All right. Investigator, so I've placed some of the items  
21 from the Tupperware container on the visualizer. Can you  
22 explain what we're looking at here?

23 A. Small ziplock baggies with different designs on them.

24 Q. Okay. And can you tell what some of those designs are?

25 A. The -- here is the blue number one.

1 Q. That's in the lower right corner?

2 A. That's correct.

3 Q. Okay.

4 A. This one is the red with the 420 symbol on it.

5 Q. Okay. That's just above on the upper right of your screen?

6 A. Correct. I believe this is the blue design, looks like  
7 the devil; and the black and white design here.

8 Q. Okay. So the blue design is in the upper left and the  
9 black and white design is in the lower left?

10 A. That is correct.

11 Q. Okay. Now, I've placed just the blue design bag on the  
12 visualizer now. Investigator, that -- those blue bags, the  
13 bags with the little blue designs on them, how were they  
14 packaged within this item?

15 A. They're packaged for street sale.

16 Q. These are empty baggies?

17 A. Yes, they are.

18 Q. And all these baggies appear to be in a smaller bag within  
19 a larger ziplock bag?

20 A. Yes, they are.

21 Q. How many baggies do you think were in this one bag?

22 **MR. VACCA:** Objection, Your Honor.

23 **THE COURT:** Overruled. He can answer.

24 **BY MS. KOCHER:**

25 Q. Approximately how many baggies do you think would be in

1 this item that we're looking at here?

2 A. Over 100.

3 Q. And how many of those larger baggies are contained in the  
4 Tupperware container that's been received as Exhibit 679?

5 A. More than 25.

6 Q. Okay. Now, within Exhibit 679, that Tupperware container,  
7 are those baggies in like larger shopping bags or plastic  
8 bags?

9 A. Yes, they are.

10 Q. Could you pull out some of those so the jury can see? You  
11 pulled out a large garbage size bag and also is that two black  
12 shopping bags?

13 A. That is correct.

14 Q. And those all contain the same type of baggies that were  
15 just on the visualizer?

16 A. Yes, they do.

17 Q. Were there some of those baggies that had a ying-yang  
18 stamp? I thought you had mentioned that earlier?

19 A. Yes, they were.

20 Q. Are those the same type of ying-yang bag that was from the  
21 Home Depot bucket that were found in the Home Depot bucket?

22 A. That is correct.

23 Q. Next I'd like to show you on the Trial Director what's  
24 been received into evidence photograph 606. What is this a  
25 photograph of?

1 A. Paperwork located in the basement of 292 Barrington  
2 Street.

3 Q. Okay. And did you collect some of that paperwork?

4 A. Yes, I did.

5 Q. If you could take a look at the box on the floor there and  
6 let me know if you see Exhibit 681 and 694.

7 A. Yes, I do.

8 Q. Okay. And what are those items?

9 A. These are the items that were on the dryer in the basement  
10 of 292 Barrington.

11 Q. Starting with Exhibit 681, which item is marked 681?

12 A. The red organizer.

13 Q. Okay. Could you please circle that item on the photograph  
14 606? So you've circled the red plastic file organizer on the  
15 left of the screen?

16 A. That is correct.

17 Q. And which item is marked Exhibit 694?

18 A. The binder with the footprints on it.

19 Q. Okay. And you've placed a circle around the footprint  
20 notebook just to the right of the red file organizer?

21 A. Yes, I did.

22 Q. Okay. Now, do Exhibits 681 and 694 appear to be in the  
23 same or substantially the same condition as they were in when  
24 you collected them back on January 29th?

25 A. Yes, they do.

1 Q. And how about the contents of those items? Do those also  
2 appear to be the same?

3 A. Yes, they do.

4 **MS. KOCHER:** Your Honor, at this time I'd offer  
5 Exhibit 681 and 694.

6 **MR. VACCA:** I object, Your Honor, on grounds of  
7 relevancy and foundation.

8 **THE COURT:** Exhibit 681 and 694 will be received.  
9 Objection is overruled.

10 (WHEREUPON, Government's Exhibit 681 and 694 were  
11 received into evidence).

12 **BY MS. KOCHER:**

13 Q. Investigator, 681 -- do you see what's been marked 681A  
14 and 681B?

15 A. Yes.

16 Q. Do those two documents appear to be the same or  
17 substantially the same when you collected them?

18 A. Yes, they do.

19 Q. I'd like to show you what's been marked as Exhibit 681A  
20 and this is a document within 681?

21 A. Yes, it is.

22 Q. Is what's on the Trial Director appear to be the same  
23 document that is marked 681A in your hand?

24 A. Yes, it is.

25 Q. What is this document?

1 A. This is a statement addressed to Leitscha Poncedeleon of  
2 145 Liberty Pole Way, apartment 4, Rochester, New York 14604  
3 dated 4/3 of 2017.

4 Q. Okay.

5 **THE COURT:** Are you moving the admission of 681A and  
6 B?

7 **MS. KOCHER:** Yes, Your Honor, yes, 681A and 681B,  
8 which were the contents of 681.

9 **THE COURT:** Mr. Vacca?

10 **MR. VACCA:** No objection, Your Honor.

11 **THE COURT:** Exhibit 681A and 681B will be received.

12 (WHEREUPON, Government's Exhibit 681A and 681B were  
13 received into evidence).

14 **MS. KOCHER:** Thank you.

15 **BY MS. KOCHER:**

16 Q. Investigator, next I'd like you to look at 681B. Does  
17 what's been uploaded into the Trial Director appear to be the  
18 same document that you have in your hand there and that is  
19 marked 681B?

20 A. Yes, it is.

21 Q. And what is Exhibit 681B?

22 A. Another bank statement for Leitscha Poncedeleon of 292  
23 Barrington Street, Rochester, New York 14607 dated 4/26 of  
24 '17.

25 Q. Okay. So this document is dated just a few weeks after

1 the last document we looked at, 681A?

2 A. That is correct.

3 Q. And the name on both of those documents is the same?

4 A. Yes, it is.

5 Q. But the address has changed?

6 A. Yes, it has.

7 Q. Investigator, 694, that footprint notebook, why did you  
8 collect that item of evidence?

9 A. Inside the notebook was a drug ledger.

10 **MS. KOCHER:** Your Honor, may I approach the witness  
11 and display some pages from 694?

12 **THE COURT:** Yes.

13 **MS. KOCHER:** Thank you.

14 **BY MS. KOCHER:**

15 Q. All right. Investigator, I've placed the first full page  
16 of Exhibit 694 on the visualizer. Could you read the first  
17 few lines for us?

18 A. The first line dated 8/22 or 8/22 it says Marke equals 4  
19 equals 8.000 minus 6.000 equals 2,000 minus 1,000 plus one and  
20 a half duro equals zero.

21 Q. Okay.

22 A. Second line 8/23 Marke equals 3 equals 6.000 minus 6.000  
23 equals zero.

24 Third line 8/24 Diente equals 2 plus vieja equals 3  
25 equals 23 equals 9.200 minus 9.200 equals zero 8/26 .



1 Q. Okay. And Marke was M-A-R-K-E?

2 A. That is correct.

3 Q. And I believe you said -- that last line you were reading,  
4 *vieja* is V-I-E-J-A?

5 A. You mean in the middle or the third line?

6 Q. The third line you read, the last one that you read?

7 A. D-I-E-N-T-E.

8 Q. Right.

9 A. In the middle is V-I-E-J-A.

10 Q. Yeah.

11 A. Yes.

12 Q. Thank you. So this appears to be a date followed by a  
13 name and several numbers?

14 A. That is correct.

15 Q. Now, this page goes on in a similar type of layout,  
16 correct?

17 A. That is correct.

18 Q. Are other pages in the notebook similar?

19 A. Yes, they are.

20 Q. Okay. And there also appears to be pink writing, like a  
21 pink highlighter writing on this page as well?

22 A. Yes.

23 Q. What word is written in the pink?

24 A. The top it says Pago, P-A-G-O. And in the middle P-A-G-E  
25 or P-A-G-E or P-A-G-O.

1 Q. That's written appears three times on this page?

2 A. That is correct.

3 **MS. KOCHER:** Your Honor, would you like me to keep  
4 going or this is a good time for a break?

5 **THE COURT:** This might be a good time for a break.  
6 Ladies and gentlemen, at this time we'll take a recess. In  
7 the meantime, do not discuss the matter or allow anybody to  
8 discuss the matter with you.

9 The jury may step down.

10 (WHEREUPON, there was a pause in the proceeding).

11 (WHEREUPON, the defendant is present).

12 **THE COURT:** Bring the jury out. You can bring the  
13 witness back as well.

14 (WHEREUPON, the jury is present).

15 **THE COURT:** You may continue.

16 **MS. KOCHER:** Thank you.

17 **BY MS. KOCHER:**

18 Q. If we can switch back to the Trial Director?

19 Investigator, we're at Exhibit 574, so this is again the  
20 basement area of 292 Barrington?

21 A. That is correct.

22 Q. And you mentioned that there were some Postal boxes in the  
23 basement, correct?

24 A. Yes.

25 Q. How many Postal boxes did you locate in the basement?

1 A. There was four.

2 Q. And did they all have address labels on them?

3 A. I believe two of them did.

4 Q. Okay. Of the two that had labels do you recall what the  
5 delivery addresses were for them?

6 A. One was 59 Fernwood Avenue, and one was 286 Garson Avenue.

7 Q. Okay. Now, in Exhibit 574 do you see any of those Postal  
8 boxes?

9 A. Yes, I do.

10 Q. Those are just to the left of the slide there?

11 A. Yes, that is correct.

12 Q. Would you mind circling the general area where they are?  
13 Okay, so you've circled just to the left of the slide there's  
14 a stack of Postal boxes, and then also to the right of the  
15 photograph there appears to be a partial Postal box visible?

16 A. That is correct.

17 Q. Okay. I'd like to go to Exhibit 601. If you could clear  
18 your marks? Exhibit 601 a closer-up image of the boxes that  
19 were to the left of the child's slide?

20 A. That is correct.

21 Q. How many boxes are in this photograph?

22 A. Three.

23 Q. And would you mark -- just place a mark on each of those  
24 three boxes? And you've -- okay, so you've placed, I think,  
25 was an attempted 1?

1 A. Yes.

2 Q. The box that's closest to us in this photo on the top  
3 half; then you've placed a number two on the box underneath  
4 that one; and there's a number three at the back of the  
5 photograph and there appears to be a white basket on top of  
6 it?

7 A. That is correct.

8 Q. If you could hit the clear button? If we could move to  
9 Exhibit 602? Is this another angle of those same three boxes?

10 A. Yes, it is.

11 Q. And can you see address labels on any of these three boxes  
12 in this photograph?

13 A. On the two bottom boxes.

14 Q. Okay. The two boxes that are on the ground?

15 A. That is correct.

16 Q. I'd like to show you -- Investigator, if I could show you  
17 what's not been received into evidence as Exhibit 630 and 631.  
18 Do you recognize what those two photographs are of?

19 A. The postage labels on the two boxes that were in the  
20 basement of 292 Barrington Street.

21 Q. Okay. So those photographs are closer-up images of the two  
22 boxes that were in Exhibit -- in those prior exhibits we  
23 looked at?

24 A. That is correct.

25 Q. Do those photographs fairly and accurately depict the way

1 that the boxes and the labels on them looked on January 29th,  
2 2018?

3 A. That is correct.

4 **MS. KOCHER:** Your Honor, I'd offer Exhibit 630 and  
5 631.

6 **MR. VACCA:** Objection, Your Honor, on grounds of  
7 relevancy and foundation.

8 **THE COURT:** Overruled. Exhibit 630 and 631 will be  
9 received.

10 (WHEREUPON, Government's Exhibit 630 and 631 were  
11 received into evidence).

12 **BY MS. KOCHER:**

13 Q. I'd like to show you what's been received into evidence as  
14 Exhibit 630. Which box is this one we're looking at here?

15 A. This is one of the boxes located in the basement of 292  
16 Barrington Street.

17 Q. Okay. And where was this box addressed to?

18 A. To Julio Vargas of 286 Garson Avenue, Rochester, New York  
19 14609.

20 Q. Okay. And are you also able to see a tracking number --  
21 we'll zoom in on the label on the upper right of that box.  
22 Do you see a tracking label associated with this package as  
23 well?

24 A. Yes, I do.

25 Q. And what is the tracking number associated with this

1 package?

2 A. 9505 5114 5153 8002 1789 69.

3 Q. Investigator, I'd like to show you what's been received  
4 into evidence as Exhibit 796, a Postal chart. Do you see that  
5 package tracking number that ended in 1789 69 on this chart?

6 A. Yes, I do.

7 Q. And if you wouldn't mind circling where that is? Okay, so  
8 you've circled the package in the ninth line from the bottom  
9 that's in pink font and the tracking number ends in 1789 69?

10 A. That is correct.

11 Q. What was the delivery date associated with that package?

12 A. January 5th, 2018.

13 Q. And what was the destination address?

14 A. 286 Garson Avenue.

15 Q. Okay. If you could please clear your mark? If we could go  
16 to what's also just been received into evidence as  
17 Exhibit 631? What is in this photograph?

18 A. That is the packaging -- the U.S. Postal box along with  
19 the mailing address and the USPS -- USPS tracking number.

20 Q. This is another package located in the basement of 292  
21 Barrington Street?

22 A. That is correct.

23 Q. Okay. I'm sorry, who was this addressed to?

24 A. Ingrid Mercado of 59 Fernwood Avenue, Rochester, New York  
25 14621.

1 Q. If we could zoom in on the tracking label in the upper  
2 right corner of the box? Do you see the tracking number  
3 associated with this package?

4 A. Yes, I do.

5 Q. And what was the tracking number?

6 A. 9505 5114 5153 8016 1842 22.

7 Q. Okay. Again I'd like to turn back to 796, our Postal  
8 chart. Do you see the tracking number ending in 1842 22 on  
9 this chart?

10 A. Yes, I do.

11 Q. If you could place a mark where that is? So you've  
12 circled the line six -- six up from the bottom, the tracking  
13 number ends in 1842 22, and it's in black ink; is that  
14 correct?

15 A. That is correct.

16 Q. What was the delivery date associated with that package?

17 A. January 20th, 2018.

18 Q. And what was the destination address?

19 A. 59 Fernwood Avenue.

20 Q. If you could clear your marks, please? I'd like to show  
21 you Exhibit 575. This is a closer-up image of the fourth box  
22 in the basement of 292 Barrington?

23 A. That is correct.

24 Q. Okay. Now, we've reviewed packing labels of two of those  
25 boxes. Were there labels on the other two boxes in the

1 basement?

2 A. No, there was not.

3 Q. Did you search inside of those boxes?

4 A. Yes, we did.

5 Q. What was located inside?

6 A. Numerous pieces of sponge, marshmallow candy and some  
7 contained boxes of M&M's and Skittles.

8 Q. Okay. Did you recover boxes of candy anywhere else in the  
9 location?

10 A. Yes.

11 Q. Where was that?

12 A. Upstairs closet area.

13 Q. Okay. I'd like to show you Exhibit 566. Was this the  
14 front closet area that you're referring to?

15 A. Yes.

16 Q. Okay. Now, if I could next show you Exhibit 580, what is  
17 this a photograph of?

18 A. The boxes -- the empty -- well, the boxes of candy, M&M's  
19 and Skittles that were located in the basement and the front  
20 closet.

21 Q. Where are those boxes?

22 A. On the floor by the window by the door and by the little  
23 stairs there.

24 Q. Okay. So was this photograph taken after that front closet  
25 was searched?



1 A. That is correct.

2 Q. And the boxes were moved out into the living room?

3 A. That is correct.

4 Q. Next I'd like to show you Exhibit 581. Is this just a  
5 closer-up image of those Skittles and M&M boxes in the living  
6 room?

7 A. That is correct.

8 Q. And Exhibit 582, is this a close-up image of those M&M  
9 Skittles boxes in the living room the second pile of them?

10 A. That is correct.

11 Q. Okay. About how many boxes of Skittles -- how many  
12 Skittles and M&M boxes were found in the location?

13 A. Between 25 and 30.

14 Q. Now, did you also search the bedrooms upstairs?

15 A. Yes, we did.

16 Q. I'd like to show you Exhibit 576. This is what I believe  
17 you referred to as bedroom number one?

18 A. That is correct.

19 Q. And this was Leitscha Poncedeleon's bedroom?

20 A. Yes, it was.

21 Q. What were some of the items that you recovered from this  
22 bedroom?

23 A. Paperwork; cellular phones; firearms; rifles; and  
24 ammunition.

25 Q. I'd like to show you Exhibit 613. What is this a

1 photograph of?

2 A. A red bag that contained ammunition.

3 Q. And where was that bag located in the room?

4 A. Under the bed in the bedroom.

5 Q. Next I'd like to show you Exhibit 615. What is this a  
6 photograph of?

7 A. Items that were taken out of the red bag which is  
8 magazines and ammunition.

9 Q. And the red bag, that is what we were just viewing in  
10 Exhibit 613?

11 A. That is correct.

12 Q. Okay. Now I'd like to show you what's already been  
13 received into evidence as Exhibit 823. What are we looking at  
14 here?

15 A. Magazines that has loaded ammunition -- live ammunition  
16 inside of them.

17 Q. And were these magazines also located in Ms. Poncedeleon's  
18 bedroom?

19 A. Yes, they were.

20 Q. I'd like to show you Exhibit 824. Is this the ammunition  
21 that was within those magazines?

22 A. That is correct.

23 Q. Exhibit 825. What is this photograph of?

24 A. That is the bag that the six rifles were located inside  
25 that was under the bed in bedroom number one of 292 Barrington

1 Street.

2 Q. So this gun bag, the rifles, and the red bag with the  
3 ammunition and magazines was all under the bed in that room?

4 A. That is correct.

5 Q. If I could show you Exhibit 832? What is this a  
6 photograph of?

7 A. The red bag and the contents that were inside the bag.

8 Q. Okay. Now, in this photograph the contents are outside of  
9 the bag?

10 A. That is correct.

11 Q. If we could go to 832A? Is this one of the bags that was  
12 within the red bag underneath the bed?

13 A. Yes, it is.

14 Q. And 832B, what is contained in the plastic bag that came  
15 out of the red bag?

16 A. Boxes of ammunition.

17 Q. And how many boxes of ammunition are there here?

18 A. Eight boxes.

19 Q. You mentioned there were rifles recovered from the  
20 bedroom?

21 A. Yes, there were.

22 Q. Underneath the bed?

23 A. Yes.

24 Q. I'd like to show you Exhibit 614. What is this a  
25 photograph of?

1 A. A photograph of the rifles inside the bag that was located  
2 under the bed at 292 Barrington.

3 Q. Is that how they were stored underneath the bed when they  
4 were located?

5 A. Yes, they were.

6 Q. They were inside that larger bag?

7 A. Yes, they were.

8 Q. How many rifles were there?

9 A. Six rifles.

10 Q. Now, did you ultimately collect those rifles?

11 A. Yes, I did.

12 Q. Okay. Now, I'd like to show you Exhibit 617. Is that a  
13 closer-up image of one of the rifles from within that bag?

14 A. Yes.

15 Q. And a magazine?

16 A. That is correct.

17 Q. Next I'd like to show you Exhibit 618. What is this a  
18 photograph of?

19 A. Another one of the rifles that was located in the bag with  
20 the loaded magazine next to it.

21 Q. And Exhibit 619. What is that a photo of?

22 A. Another one of the loaded magazines that was inside the  
23 bag and the butt end of one of the rifles.

24 Q. And when you say the bag are you referring to the longer  
25 kind of tan bag all the rifles were in?

1 A. Yes.

2 Q. All right. Now, you mentioned that you collected those  
3 rifles that were recovered underneath the bed?

4 A. Yes, I did.

5 Q. How did you go about collecting those?

6 A. They're collected and made safe and then they're turned  
7 into the Property Clerk's Office and with the serial number.

8 Q. Did you know the serial number of each of the firearms?

9 A. Yes, we did.

10 Q. Okay. And you mentioned you made them safe. What does  
11 that mean?

12 A. Cleared the weapons, make sure there was no ammunition  
13 inside the weapons.

14 Q. Okay.

15 **MS. KOCHER:** Your Honor, at this time I'd ask if  
16 Mr. Marangola could please approach the witness with  
17 Exhibit 659 and 660.

18 **MR. MARANGOLA:** Judge, just for the record, I am  
19 holding two firearms, both of them have zip ties through them  
20 rendering them safe, and there is no ammunition in them.

21 **THE COURT:** Members of the jury, Exhibits 659 and  
22 660 have been rendered safe for display in the courtroom.

23 You may proceed.

24 **MR. MARANGOLA:** Thank you.

25 **BY MS. KOCHER:**

1 Q. Investigator, do you see Exhibit 659 and 660?

2 A. Yes, I do.

3 Q. Okay. And starting with the first one, what is  
4 Exhibit 659?

5 A. This is the -- this is one of the firearms, the Norinco,  
6 that was located at 292 Barrington Street in the bedroom  
7 number one.

8 Q. Okay. You said it's a Norinco?

9 A. That is correct.

10 Q. That is spelled N-O-R-I-N-C-O?

11 A. That is correct.

12 Q. Okay. And what type of rifle is that?

13 A. It is a semi-automatic rifle.

14 Q. Now, how about Exhibit 660? What is that firearm?

15 A. This is a Bushmaster .223 semi-automatic rifle.

16 Q. And was that also a rifle that you collected from  
17 underneath the bedroom of Ms. Poncedeleon's room?

18 A. Yes, it is.

19 Q. Or underneath the bed rather?

20 A. Yes, it is.

21 Q. How do you know that both of those firearms are ones that  
22 you recovered from Ms. Poncedeleon's bedroom?

23 A. They have the tag on it still and we verified it with the  
24 serial numbers.

25 Q. Okay. And are the serial numbers the same as the guns that

1 you collected on January 29th, 2018?

2 A. That is correct.

3 Q. Do those guns appear to be in the same or substantially  
4 the same condition as they were in when you collected them  
5 back in January of 2018?

6 A. Yes, they are.

7 Q. Do you notice anything different about the firearms  
8 themselves?

9 A. That they have the property clerk and the lab stickers on  
10 them and the exhibit stickers on them.

11 **MS. KOCHER:** Your Honor, at this time I would offer  
12 Exhibit 659 and 660.

13 **MR. VACCA:** *Voir dire*, Your Honor?

14 **THE COURT:** Yes.

15 **MR. VACCA:** Investigator, with respect to  
16 Exhibit 659, are there any stickers on that that indicate that  
17 it went to the lab for further testing?

18 **THE WITNESS:** Yes.

19 **MR. VACCA:** When was that?

20 **THE WITNESS:** The exact date it went I have no clue.

21 **MR. VACCA:** Okay. With respect to Exhibit 660, does  
22 that also indicate with the stickers on it that that went to  
23 the lab for testing?

24 **THE WITNESS:** Yes, it does.

25 **MR. VACCA:** Your Honor, I would object to the

1 admission at this time on grounds of chain of custody.  
2 Obviously there was additional testing that went on and the  
3 chain of evidence has been broken or not established as of  
4 this time.

5 **MS. KOCHER:** Your Honor, could we sidebar if the  
6 Court's going to --

7 **THE COURT:** We don't need a sidebar. Overruled.  
8 659 and 660 can be received. The test results will be subject  
9 to a different matter.

10 **MS. KOCHER:** Thank you. I'm sorry, I didn't catch  
11 the last --

12 **THE COURT:** Any testing results will be subject to  
13 different testimony.

14 **MS. KOCHER:** Thank you.

15 **BY MS. KOCHER:**

16 Q. Investigator, if you could hold up Exhibit 659 so the jury  
17 can see? That's the Norinco semi-automatic rifle?

18 A. That is correct.

19 Q. Now, I'd ask you to take a look at Exhibit 817 that's been  
20 received into evidence. Is that the same firearm?

21 A. Yes, it is.

22 Q. And was this a photograph taken at the Technicians' Unit  
23 after the firearm was collected?

24 A. Yes, it is.

25 Q. Now, if you could also hold up Exhibit 660? That's the



1 Bushmaster .223 semi-automatic rifle?

2 A. Yes, it is.

3 Q. I'd ask you to take a look at Exhibit 810. Is that the  
4 same firearm that's marked as Exhibit 660?

5 A. Yes, that is.

6 **MS. KOCHER:** Your Honor, I'd also ask if  
7 Mr. Marangola could approach the witness again with  
8 Exhibit 661 and 662.

9 **THE COURT:** Yes.

10 **MR. MARANGOLA:** Again, Your Honor, these two  
11 firearms are also unloaded and have been made safe with zip  
12 ties through them.

13 **THE COURT:** Members of the jury, again Exhibits 661  
14 and 662 have been rendered safe for display in the courtroom.

15 **BY MS. KOCHER:**

16 Q. All right, Investigator, starting with Exhibit 661, what  
17 is that?

18 A. That is a Kel-Tech semi-automatic rifle.

19 Q. And is that another one of the rifles that you collected  
20 from underneath Ms. Poncedeleon's bed?

21 A. Yes, it is.

22 Q. How do you know that's the firearm you collected from  
23 underneath the bed?

24 A. Verified with the sticker that was placed on it, the date  
25 and the serial number.

1 Q. The serial number is the same as the firearm you collected  
2 that day?

3 A. That is correct.

4 Q. What is Exhibit 662?

5 A. This is a Hi-Point 9 millimeter rifle.

6 Q. Is that also a semi-automatic rifle?

7 A. Yes, it is.

8 Q. And is that another one of the rifles that you collected  
9 from underneath the bed at 292 Barrington Street?

10 A. Yes, it is.

11 Q. How do you know that's one of the guns you collected?

12 A. Based upon the serial number and our stickers on the gun.

13 Q. Now, do Exhibits 661 and 662 appear to be in the same or  
14 substantially the same condition as when you collected them on  
15 January 29th, 2018?

16 A. Yes, they are.

17 Q. Do you notice anything different?

18 A. Except for the Monroe County Lab sticker on it and the  
19 Government Exhibit sticker on it.

20 Q. That goes for both firearms?

21 A. That is correct.

22 Q. Other than that they appear to be the same?

23 A. Yes.

24 **MS. KOCHER:** Your Honor, I'd offer Exhibit 661 and  
25 662.

1                   **MR. VACCA:** Your Honor, same objection that I had  
2 for 659 and 660.

3                   **THE COURT:** Objection is overruled. 661 and 662  
4 will be received.

5                   (**WHEREUPON**, Government's Exhibit 661-662 were  
6 received into evidence.)

7 **BY MS. KOCHER:**

8 Q. Investigator, could you please hold up 661? That is the  
9 9 millimeter Kel-Tec semiautomatic rifle?

10 A. Yes, it is.

11 Q. I'll have you take a look at Exhibit 821. Does this  
12 appear to be the same gun as what is marked as 661?

13 A. That is correct.

14 Q. If you could hold up Exhibit 662? This was the Hi-Point  
15 semi-automatic rifle?

16 A. That is correct.

17 Q. Have you take a look at Exhibit 812. Does that appear to  
18 be the same firearm that is marked as Exhibit 812 -- I'm  
19 sorry, marked as Exhibit 662?

20 A. Yes, it is.

21 Q. Okay. That's also the Hi-Point semi-automatic rifle?

22 A. That is correct.

23 Q. Okay.

24                   **MS. KOCHER:** Your Honor, we have two more rifles. I  
25 would ask for Mr. Marangola to approach the witness with

1 those.

2 **THE COURT:** What exhibits are they?

3 **MS. KOCHER:** 663 and 664.

4 **MR. MARANGOLA:** Again, Judge, these are also  
5 unloaded and have been rendered safe and with zip ties through  
6 them.

7 **THE COURT:** Yes. Again, members of the jury,  
8 Exhibits 663 and 664 have been rendered safe for display in  
9 the courtroom.

10 **BY MS. KOCHER:**

11 Q. Now, Investigator, regarding Exhibit 663, what is that  
12 item?

13 A. This is a Norinco SKS semi-automatic rifle.

14 Q. Okay. So that is another Norinco rifle?

15 A. Yes, it is.

16 Q. And what is Exhibit 664?

17 A. It is another Norinco semi-automatic rifle.

18 Q. Okay. Is that -- so that would be the third Norinco you've  
19 testified to?

20 A. That is correct.

21 Q. Okay. Now, are those also semi-automatic rifles that you  
22 recovered from underneath the bed of Ms. Poncedeleon's room?

23 A. Yes, it is.

24 Q. And how do you know those are rifles that you recovered  
25 that day?

1 A. Based upon the serial numbers and the CR number with the  
2 tag on it from that date.

3 Q. Do those firearms appear to be in the same or  
4 substantially the same condition as when you collected them  
5 that day?

6 A. Yes, they do.

7 Q. Do you notice anything different?

8 A. Other than the Monroe County Laboratory sticker on it and  
9 the Government Exhibit sticker on it.

10 Q. Those are the only things you notice that are different?

11 A. That is correct, and the gun ties.

12 Q. And the gun ties?

13 A. Yes.

14 Q. And the serial numbers on those two firearms, are those  
15 the same as the firearms you collected on January 29th?

16 A. That is correct.

17 **MS. KOCHER:** Your Honor, I'd offer Exhibit 663 and  
18 664.

19 **MR. VACCA:** Your Honor, same objection to the  
20 admission of 663 and 664 as I had for 659, 660, 661 and 662.

21 **THE COURT:** Objection is overruled. Exhibits 663  
22 and 664 will be received.

23 (**WHEREUPON**, Government's Exhibit of 663-664 were  
24 received into evidence).

25 **BY MS. KOCHER:**

1 Q. Investigator, could you hold up 663, the Norinco -- one of  
2 the Norinco semi-automatic rifles? And I'd have you take a  
3 look at Exhibit 815. Is that the same rifle that you just  
4 held up and that is marked as Exhibit 663?

5 A. Yes, that is.

6 Q. If you could please hold up Exhibit 664? I'll have you  
7 take a look at Exhibit 819. Is that the same semi-automatic  
8 rifle that you just held up and that is marked Exhibit 664?

9 A. Yes, it is.

10 Q. All right. Now, I believe you also mentioned in addition  
11 to the ammunition and the firearms in Ms. Poncedeleon's room,  
12 you also collected phones and paperwork?

13 A. That is correct.

14 Q. Have you take a look at Exhibit 616. What is this a  
15 photograph of?

16 A. Leitscha Poncedeleon's purse that was located in her room.

17 Q. Okay. And did you search inside the purse?

18 A. Yes, we did.

19 Q. What were some of the things that you located inside?

20 A. Paperwork and a cell phone.

21 Q. Now, if you can look in the box to your left? There  
22 should be an item marked Exhibit 668. Let me know when you  
23 find that.

24 A. I have it.

25 Q. Okay. What type of phone did you seize from the purse?

1 A. LG flip phone.

2 Q. What is Exhibit 668?

3 A. A LG flip phone located in the bedroom number one in the  
4 purse of Leitscha Poncedeleon.

5 Q. Okay. And how do you know that Exhibit 668 is the phone  
6 that you retrieved from the purse in Exhibit 616?

7 A. It is still in the bag with my name on it and the  
8 CR number.

9 Q. Okay. Now, does the phone appear to be in the same or  
10 substantially the same condition as when you collected it?

11 A. Yes, it is.

12 Q. And you sealed that bag and submitted it to the property  
13 clerk?

14 A. That is correct.

15 Q. Does your seal appear to be intact?

16 A. Yes, it does.

17 Q. Do you notice anything different about the evidence bag?

18 A. It has Scottie Ferro's initials on it.

19 Q. That's Investigator Ferro who does cell phone extractions?

20 A. Yes, he does.

21 Q. Other than that do you notice anything different?

22 A. That's it.

23 Q. Okay. Did you collect any other cell phones from that  
24 room?

25 A. Yes, I did.

1 Q. Ask you to take a look at Exhibit 622. What are we -- I'm  
2 sorry, 622 is a photograph, Investigator.

3 A. Oh.

4 Q. What are we looking at in Exhibit 622?

5 A. This is one of the drawers in the bedroom of 292  
6 Barrington Street, bedroom number one.

7 Q. Are there some cell phones in this drawer?

8 A. That is correct.

9 Q. Were those collected?

10 A. Yes.

11 Q. Okay. Now, if you could turn to that box again and look  
12 for Exhibit 670? I think the sticker is on the actual phone  
13 itself. You got it?

14 A. Yes.

15 Q. Exhibit Exhibit 670?

16 A. LG phone.

17 Q. Is that LG phone depicted in Exhibit 622, the photo?

18 A. It's in the little thing there, the casing, I'm sorry.

19 Q. All right. You've circled the phone in the drawer on  
20 Exhibit 622 that's in a pink case?

21 A. That is correct.

22 Q. Okay. Now, does the phone that's marked Exhibit 670 appear  
23 to be in the same or substantially the same condition as it  
24 was in when you collected it?

25 A. Yes.



1 Q. Are there other phones in the bag with that phone that's  
2 marked 670?

3 A. Yes.

4 Q. Now, how about the packaging? Your evidence bag, does  
5 that -- is your seal intact?

6 A. The bag is opened.

7 Q. Okay. Was it opened so an exhibit sticker could be placed  
8 on the phone?

9 A. That is correct.

10 Q. Okay. Other than that opening do you notice anything  
11 different about the packaging?

12 A. It has Scottie -- Investigator Scottie Ferro's initials on  
13 it.

14 Q. Is your initial seal still intact?

15 A. Yes, it is.

16 Q. Okay. How many other phones are in that evidence bag with  
17 Exhibit 670?

18 A. Two phones.

19 Q. Are those two phones depicted in Exhibit 622, the  
20 photograph?

21 A. Yes, they are.

22 Q. Okay. They're also in the drawer?

23 A. Yes.

24 Q. Okay. Now, you also mentioned that you collected some  
25 paperwork from this room as well?

1 A. That is correct.

2 Q. I'd ask you to take a look at a photograph which is  
3 Exhibit 621. What are we looking at here?

4 A. A binder that was on the top of the dresser in the bedroom  
5 number one of 292 Barrington Street.

6 Q. And that was Ms. Poncedeleon's room?

7 A. That is correct.

8 Q. Did you collect that notebook?

9 A. Yes, I did.

10 Q. Ask you to take a look at Exhibit 693 in the box at your  
11 feet. Do you have that exhibit there?

12 A. Yes, I do.

13 Q. What is Exhibit 693?

14 A. It is a notebook containing drug notes, a drug ledger.

15 Q. Okay. Now, does that notebook appear to be the same  
16 notebook that is in Exhibit 621, the photograph?

17 A. Yes, it does.

18 Q. Does the notebook marked Exhibit 693 appear to be in the  
19 same or substantially the same condition as it was in when you  
20 collected it?

21 A. Yes, it does.

22 Q. Do you notice anything different about the notebook or its  
23 contents?

24 A. It has the Government sticker on it.

25 Q. Okay. Other than that the notebook and the contents appear

1 to be the same?

2 A. Yes, they do.

3 **MS. KOCHER:** Your Honor, I'd offer Exhibit 693.

4 **MR. VACCA:** I would object, Your Honor. At this  
5 point there's no relevancy regarding my client, nor any  
6 mention of his name throughout this search.

7 **THE COURT:** Thank you. Overruled. Exhibit 693 will  
8 be received.

9 (WHEREUPON, Government's Exhibit 693 was received  
10 into evidence).

11 **MS. KOCHER:** Your Honor, may I approach the witness  
12 and display some pages from Exhibit 693?

13 **THE COURT:** Yes.

14 **MS. KOCHER:** Thank you.

15 **BY MS. KOCHER:**

16 Q. Now, I've turned to the 16th page of Exhibit 693 and it's  
17 placed on the visualizer. Investigator, could you read those  
18 first few lines for us?

19 A. First line 01/02, H is in a square.

20 Line number 2, 01/02 Rob Bori equals half minus  
21 1.130 equals 0, then the word spelling P-A-G-O 01/02.

22 Line 3, 01/02 Rob Bori equal sign half minus 1.125  
23 equals zero P-A-G-O 01/02.

24 And then the fourth line 01/02 Rob -- I think that  
25 says Rob, R-O-O-B, P-R-I-E-T-O equals 16.000 minus 4.000

1 equals over that is a 01/02 equals 12.000 minus 12.000 with a  
2 01/05 on top of it equals zero P-A-G-O 01/05.

3           Next to those on the side is one-half, one-half,  
4 and 8.

5 Q.   Okay. Now, this is just one page of that notebook,  
6 correct?

7 A.   That is correct.

8 Q.   Are there other pages with similar style writings on them?

9 A.   That is correct.

10 Q.   Okay. And it appears to be a date followed by a name and  
11 then numbers on this page?

12 A.   That is correct.

13 Q.   If we could flip back to the Trial Director in  
14 Exhibit 577? You mentioned there were two bedrooms in the  
15 home?

16 A.   That is correct.

17 Q.   And is this the second bedroom that we're looking at in  
18 Exhibit 577?

19 A.   Yes, it is.

20 Q.   Okay. What were some of the things recovered from this  
21 bedroom?

22 A.   Paperwork; phones; two handguns that were loaded; large  
23 amount of U.S. currency; and drug paraphernalia which  
24 consisted of grinders and beakers.

25 Q.   I'll ask you to take a look at Exhibit 624. What is this

1 a photograph of?

2 A. This is a photograph of the loaded handgun that was  
3 located in the dresser next to the bed in bedroom two of 292  
4 Barrington Street.

5 Q. How many handguns were ultimately found in this bedroom?

6 A. Two.

7 Q. Okay. And where is -- does this show both handguns or just  
8 one?

9 A. Just one.

10 Q. Could you please circle where that gun is in the  
11 photograph? So you've circled the black item that is in the  
12 middle of the open drawer?

13 A. Yes.

14 Q. If you could clear your mark, please? I'd ask you to take  
15 a look at Exhibit 625. Is this a closer-up image of that same  
16 handgun?

17 A. Yes, it is.

18 Q. And there appears to be a hand holding something in this  
19 photo as well?

20 A. Holding the loaded magazine that was ejected from the  
21 handgun.

22 Q. Okay. The magazine was also in the drawer?

23 A. Yes, it was.

24 Q. We can move on to Exhibit 626. What is this a photograph  
25 of?

1 A. The New York State identification for Roberto Figueroa.

2 Q. Where was that identification?

3 A. On top of the dresser.

4 Q. Look at Exhibit 627. What's in this photograph?

5 A. The second handgun that was located at the location and  
6 the upstairs bedroom.

7 Q. The second upstairs bedroom?

8 A. That is correct.

9 Q. And this is the same bedroom where the pistol was in the  
10 drawer?

11 A. That is correct.

12 Q. What type of handgun are we looking at here in  
13 Exhibit 627?

14 A. That is a revolver.

15 Q. Okay. And was this loaded?

16 A. Yes, it was.

17 Q. If we can move on to Exhibit 628? What are we looking at  
18 here?

19 A. The cylinder showing the handgun was loaded.

20 Q. I'm sorry, the cylinder, is that what you said?

21 A. Yes, to show that the rounds were inside the handgun.

22 Q. How many rounds were loaded in the handgun?

23 A. Six.

24 Q. If we can move on to Exhibit 629? Is this another  
25 photograph of that bedroom?

1 A. Yes, it is.

2 Q. Now, did you collect those two firearms, the revolver and  
3 the pistol?

4 A. Yes, I did.

5 Q. Okay. How did you go about collecting those?

6 A. They were made safe and then they were sealed inside  
7 evidence bags.

8 Q. I'd ask you to take a look at Exhibit 651 that should be  
9 down in the box, and Exhibit 654. Let me know when you track  
10 those down. You have those two items?

11 A. You said 651 and 65 --

12 Q. -- 4.

13 A. I got a 53, not 54.

14 Q. 653, I'm sorry. Thank you, Investigator. Okay, what is  
15 Exhibit 651?

16 A. That is a .40 caliber Hi-Point pistol.

17 Q. And if we could go to -- how do you recognize that pistol?

18 A. It's sealed in the evidence bag with my CR number and it  
19 has the matching serial number.

20 Q. Where did you recover that pistol from?

21 A. In the bedroom number two in 292 Barrington Street  
22 belonging to Roberto Figueroa.

23 Q. Was that the handgun that was found in the drawer or on  
24 top of the dresser?

25 A. In the drawer.

1 Q. Now, you recognize that based on the crime report number  
2 and the serial number?

3 A. That is correct.

4 Q. Does that gun appear to be in the same or substantially  
5 the same condition as it was in when you collected it that  
6 day?

7 A. Yes, it does.

8 Q. You notice anything different about it?

9 A. It has the Monroe County Lab sticker on it along with the  
10 blue tape and the zip tie.

11 Q. Okay. So the zip tie was placed on there after you  
12 submitted it to Property?

13 A. To make it safe.

14 Q. I'd like to show you Exhibit 826. Does this appear to be  
15 the same gun that you're holding there that's marked  
16 Exhibit 651?

17 A. Yes, it is.

18 Q. Okay. And that appears to have an extended magazine with  
19 it as well?

20 A. Yes, it does.

21 Q. Is that also contained in Exhibit 651?

22 A. The gun is. Not the magazine.

23 Q. The gun is in the bag?

24 A. Yes, not the magazine.

25 Q. Okay. You compared the serial number on that gun that's



1 marked Exhibit 651 with the serial number of the pistol you  
2 recovered that day?

3 A. That is correct.

4 Q. And are they the same?

5 A. Yes.

6 Q. Now, turning to Exhibit 653, what is that item?

7 A. This is the other firearm that was located on top of the  
8 dresser in bedroom number two in 292 Barrington Street.

9 Q. Is that the revolver that was loaded with six rounds?

10 A. Yes, it is.

11 Q. And how do you know that's the same revolver that was on  
12 the dresser of that second bedroom?

13 A. It's in the evidence bag with my CR number, and the serial  
14 number is the same.

15 Q. Okay. I'd ask you to take a look at Exhibit 829. Is that  
16 the same firearm in this photograph that you're holding and is  
17 marked as Exhibit 653?

18 A. Yes, it is.

19 Q. Now, does Exhibit 653 appear to be in the same or  
20 substantially the same condition as it was when you collected  
21 it?

22 A. Yes, it is.

23 Q. Do you notice anything different?

24 A. Other than the lab sticker, the blue tape and the  
25 Government Exhibit sticker on it.

1                   **MS. KOCHER:** Your Honor, at this time I'd offer  
2 Exhibit 651 and 653.

3                   **MR. VACCA:** Your Honor, the same objections that  
4 I've had to the previous request to admit, chain of evidence.

5                   **THE COURT:** Thank you. Exhibit 651 and 653 will be  
6 received.

7                   (**WHEREUPON**, Government's Exhibit 651 and 653 were  
8 received into evidence).

9 **BY MS. KOCHER:**

10 Q. Now, Investigator, did you retrieve any sort of  
11 communication devices from that second bedroom at 292  
12 Barrington Street?

13 A. Yes.

14 Q. And what were those?

15 A. Cell phones and walkie-talkies.

16 Q. I'd ask you to take a look at Exhibit 677. What is  
17 Exhibit 677?

18 A. The walkie-talkies and a cell phone box.

19 Q. And what do you recognize those walkie-talkies from?

20 A. 292 Barrington Street in the bedroom number two.

21 Q. Okay. How do you know those are the walkie-talkies from  
22 that room?

23 A. They are sealed in an evidence bag with the CR number and  
24 the date.

25 Q. Do the walkie-talkies appear to be in the same or

1 substantially the same condition as they were in when you  
2 collected them?

3 A. Yes, they do.

4 **MS. KOCHER:** Your Honor, I'd offer Exhibit 677.

5 **MR. VACCA:** I have no objection, Your Honor.

6 **THE COURT:** Exhibit 677 will be received.

7 (WHEREUPON, Government's Exhibit 677 was received  
8 into evidence).

9 **BY MS. KOCHER:**

10 Q. How many walkie-talkies were in that exhibit?

11 A. Two.

12 **MS. KOCHER:** Your Honor, I know it's just about  
13 1:30. I was about to move on to another room in the house. I  
14 don't know if this would be a good time to take a break.

15 **THE COURT:** Ladies and gentlemen, at this time we'll  
16 take a recess until 8:30 tomorrow morning. In the meantime,  
17 I'd ask you not discuss the matter or allow anybody to discuss  
18 the matter with you. Jury may step down until 8:30 tomorrow.  
19 Have a great night.

20 (WHEREUPON, proceedings adjourned at 1:32 p.m.)

21 \* \* \*

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CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I certify that these original notes are a true and correct record of proceedings in the United States District Court for the Western District of New York before the Honorable Frank P. Geraci, Jr. on May 25th, 2021.

S/ Christi A. Macri

Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)  
Official Court Reporter